



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, MAY 15, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

*A Special Meeting is called at 6:30 P.M. for the purpose of
conducting Closed Sessions.*

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Malone)

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

National Public Works Week

May 19, 2002 - May 25, 2002

CITY COUNCIL REPORT

Council Member Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Report from the Finance & Audit Committee.

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #15 and Items #16 through #17 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1) **APRIL 2002 FINANCE AND INVESTMENT REPORT** 1
Recommended Action(s): Accept and File Report.
- 2) **SITE LOCATION OF PERMANENT SKATE AND BMX PARK** 27
Recommended Action(s): Direct Staff to Dedicate One Acre of Land at the Indoor Community Recreation Center Site for the Purpose of a Permanent Skate and BMX Park.
- 3) **APPROVAL OF RESOLUTION FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MEMBERS OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 101 AND FOR CONFIDENTIAL EMPLOYEES** 33
Recommended Action(s): Adopt Resolution.
- 4) **AMENDMENT TO ANNUAL MAINTENANCE CONTRACT WITH SALINAS PUMP COMPANY, INC. FOR WELL MAINTENANCE** 37
Recommended Action(s): Approve Amendment to the Agreement, Dated August 6, 2001, with Salinas Pump to Increase the Maximum Compensation for FY 01/02 from \$60,000 to \$90,000.
- 5) **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF BUTTERFIELD BOULEVARD LINEAR PARK PROJECT** 41
Recommended Action(s):
 1. **Approve** Proposal From Beals Alliance, Inc. in the Amount of \$39,500; and
 2. **Authorize** the City Manager to Execute a Professional Services Agreement for Design Services for the Butterfield Boulevard Linear Park Project, Subject to City Attorney Review.

6)	<u>REJECTION OF BID FOR SIDEWALK, CURB & GUTTER REPLACEMENT PROJECT</u>	49
	<u>Recommended Action(s):</u>	
1.	<u>Reject</u> the Bid Received on May 2, 2002 for the Sidewalk, Curb & Gutter Replacement Project; and	
2.	<u>Authorize</u> Staff to Rebid the Project.	
7)	<u>JACKSON OAKS BOOSTER STATION REHABILITATION</u>	51
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Sign a Consultant Agreement, Not to Exceed \$76,500, for the Design of Jackson Oaks Booster Station Rehabilitation, Subject to City Attorney Review.	
8)	<u>AWARD PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF MAIN AVENUE REPLACEMENT WELL</u>	53
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Agreement with Luhdorff & Scalmanini for the Design of the Main Avenue Replacement Well in the Amount of \$36,485.	
9)	<u>COMMUNITY AND CULTURAL CENTER PROJECT APRIL CONSTRUCTION PROGRESS REPORT</u>	63
	<u>Recommended Action(s):</u> <u>Information Only.</u>	
10)	<u>ESTABLISH NEW CLASSIFICATION AND SALARY RANGE FOR NEW POSITION OF EVENTS COORDINATOR</u>	71
	<u>Recommended Action(s):</u> <u>Adopt</u> the New Job Description and Salary Range for the Position of Event Coordinator.	
11)	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2002 QUARTERLY REPORT NO. 2</u>	79
	<u>Recommended Action(s):</u> <u>Accept and File</u> the RDCS Second Quarter Report.	
12)	<u>DRAFT FISCAL YEAR 2002-03 WORKPLAN</u>	97
	<u>Recommended Action(s):</u>	
1.	<u>Accept</u> Draft Workplan; and	
2.	If Desired, <u>Direct</u> the City Clerk to Set a Date for a Workshop to Review the Workplan in Detail.	
13)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 9, 2002</u>	119
14)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 26, 2002</u>	169
15)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 30, 2002</u>	171

City Council and Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
16)	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL MEETING AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 1, 2002</u>	173
17)	<u>APPROVE SPECIAL CITY COUNCIL MEETING AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 8, 2002</u>	195

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
18)	2 minutes	<u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES - 500 WEST MIDDLE AVENUE</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Motion</u> to Grant Exemption to the Requirement to Underground Utilities with Payment in Lieu for the Proposed Development at 500 West Middle Avenue.	199
19)	2 minutes	<u>MEASURE PAPPEAL APPLICATION AP-02-01: CENTRAL-WARMINGTON</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Continue</u> Public Hearing to May 22, 2002.	203
20)	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-10: HALE - DELCO</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment Ordinance. <u>Motion to Introduce</u> the Development Agreement Amendment Ordinance by Title Only. (Roll Call Vote)	205
21)	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-09: LLAGAS - DELCO</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment Ordinance. <u>Motion to Introduce</u> the Development Agreement Amendment Ordinance by Title Only. (Roll Call Vote)	221

OTHER BUSINESS:

	Time Estimate		Page
22)	30 Minutes	<u>PROPOSED 2002/03 BUDGET</u> <u>Recommended Action(s):</u> 1. <u>Review</u> the City Manager's Proposed 2002/03 Budget & Capital Improvement Program (CIP); 2. <u>Set</u> May 31, 2002 as a Workshop to Discuss the Budget and CIP; and 3. <u>Set</u> June 19, 2002 as a Public Hearing for Adoption of the 2002/03 Budget.	237

23)	90 minutes	<u>INDOOR COMMUNITY RECREATION CENTER OPERATOR</u> 239
		<u>Recommended Action(s):</u> <u>Approve</u> the Parks and Recreation Commission Recommendation that the City:
		1. Operate the Indoor Community Recreation Center;
		2. Engage Interested Non-profit Organizations in Developing Programming Partnerships; and
		3. Receive Confirming Information Regarding Building Revenue and Operating Costs.

City Council Action and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
24)	5 minutes	<u>COUNCIL/REDEVELOPMENT AGENCY SUMMER MEETING SCHEDULE</u> 297	
		<u>Recommended Action(s):</u> <u>Discussions</u> and <u>Direction</u> Regarding July and August Meeting Schedule.	

City Council Action

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

25)	1 minute	<u>ADOPT ORDINANCE NO. 1546 NEW SERIES</u> 301
		An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to Amend the Precise Development Plan for the Tennant Station Shopping Center and Establishing Design Guidelines for the PUD District Located on the South East Corner of the Intersection of Monterey Road and Tennant Avenue (APN's 817-06-039 & 040 & 41). ZA-01-20: Tennant - Safeway
26)	1 minute	<u>ADOPT ORDINANCE NO. 1559 NEW SERIES</u> 315
		An Ordinance of the City Council of the City of Morgan Hill Amending Section 2.68.020 of the City of Morgan Hill Municipal Code, Regarding Membership – Terms of Office.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT